

**In the  
Indiana Supreme Court**

IN THE MATTER OF	)	
	)	
DEVELOPMENT OF	)	Case No. 94S00-9907-MS-390
	)	
LOCAL AND DISTRICT	)	
	)	
CASELOAD PLANS AND RULES	)	

**Order Rescinding July 16, 1999 Order for**

**Development of Local Caseload Plans and**

**Clarifying Promulgation of Local and District Rules**

On July 16, 1999, this Court entered an Order requiring all trial courts to adopt, for approval by this Court, local rules designed to diminish disparity in caseloads among courts within a county and district rules designed to diminish disparity among the courts in a district.

Thereafter, effective January 1, 2006, this Court promulgated Indiana Administrative Rule 1(E), which requires the courts of record in a county to adopt, for approval by this Court, a local rule for caseload allocation to ensure an even distribution of caseloads among the courts in a county. In addition, effective January 1, 2007, this Court amended Indiana Trial Rule 81 to provide for the regulation of administrative district practice by means of administrative district rules not inconsistent with and not duplicative of the Rules of Trial Procedure or other Rules of the Indiana Supreme Court.

We find that our Order for the Development of Local Caseload Plans, dated July 16, 1999, has been superseded by the adoption of Administrative Rule 1(E) and the amendment of Trial Rule 81 and should be rescinded. The duties and requirements spelled out in said Order are

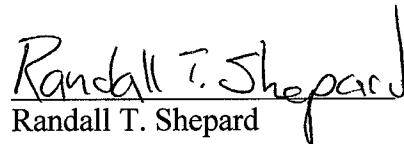
now governed by rules which provide for the orderly adoption and approval of certain local and district rules.

IT IS, THEREFORE, ORDERED that:

1. This Court's Order for the Development of Local Caseload Plans, dated July 16, 1999, is rescinded.
2. The trial courts in each county must enact local rules that separately provide: (1) a caseload plan for each county, as required by Administrative Rule 1; (2) a rule for the selection of special judges, as required by Trial Rule 79; (3) a rule for the assignment and reassignment of criminal cases, as required by Criminal Rules 2.2 and 13; and (4) a rule that governs court reporter services and fees, as required by Administrative Rule 15. Proposed local rules dealing with one of the four areas enumerated above must be submitted to this Court for approval and are not effective until approved by this Court. The trial courts must also enact a local rule for summoning jurors as required by Jury Rule 4. However, this local jury rule does not need Supreme Court approval. Any other local rules become effective pursuant to Trial Rule 81 process and schedule without Supreme Court approval.
3. Courts are not required to enact district rules, although they are encouraged to do so. Except in the four areas listed below, district rules become effective pursuant to T.R. 81 process and schedule without Supreme Court approval, so long as each rule is (1) adopted by each court in the district and (2) not inconsistent with and not duplicative of the Rules of Trial Procedure or other Rules of the Indiana Supreme Court. If the district rules cover (1) caseload distribution plans under Admin.R.1; (2) special judge selection under T.R. 79(H); (3) criminal case assignment and reassignment under Crim. R. 2.2 and 13; or (4) court reporter services and fees under Admin.R.15, then said district rules must be submitted for approval to this Court, as provided in each of the above- mentioned rules, and are not effective until so approved.

IT IS FURTHER ORDERED that the Clerk of this Court is directed to forward a copy of this Order to each Judge of an Indiana Circuit, Superior, County, and Probate Court and to the clerk of each circuit court in the state of Indiana.

DONE at Indianapolis, Indiana, this 20<sup>th</sup> day of June, 2008.

  
Randall T. Shepard  
Chief Justice of Indiana